



Minutes
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 21, 2015, 6:30 PM
Town Commission Chamber, 535 Park Avenue

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, January 21, 2015 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager Dale S. Sugerman, Attorney Thomas Baird, and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

SPECIAL PRESENTATIONS/REPORTS

1. Proclamation in Appreciation of Joan Knapp, Friends of the Lake Park Library.

Mayor DuBois explained that he received a request to postpone the presentation of the proclamation to a future date when Ms. Knapp's family would be available to receive the proclamation.

Motion: Commissioner Rapoza moved to postpone the presentation of the proclamation to an unspecified date; Commissioner O'Rourke seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

2. Update on the Town Manager Selection Process

Human Resources Director Bambi Turner explained that as of the January 16, 2015 Town Manager application deadline, the Town had received 29 applicants for the Town Manager position. The following is the list of Town Manager applicants: James Slaughter, of Beacon, New York; Bruna DiCenso, of Lake Worth, Florida; James Drumm of Zephyrhills, Florida; Warren Brown, of Clyde Ohio; John D'Agostino, of Mansfield, Massachusetts; Terence Yarnall, of Miromar Lakes, Florida; William Whitson, of Lynn Haven, Florida; Mark Stivers, of Mount Joy, Pennsylvania; Brian Redshaw, of Sergeant Bluff, Iowa; Gregory Dunham, of Kenly, North Carolina; Louie Chapman, Jr., of Delray

Beach, Florida; Rich Blankenship, of Ironton, Ohio; H.C. "Skip" Clark II, of Peachtree City, Georgia; Andrew Barton, of Mesquite, Nevada; Lyndon Bonner, of Flagler Beach, Florida; Manny Anon, Jr., of Miami, Florida; Violet Leffingwell, of West Palm Beach, Florida; Lawrence Coppola, of Port Orchard, Washington; Robert J. Daniels, of Jupiter, Florida; Ronald Neibert, of Mt. Vernon, Illinois; Terry Suggs, of Green Cove Springs, Florida; Joseph Pennisi, of Sanford, Florida; Paul J. Martin, Jr., of Palm Beach, Florida; Patrick Lynch, of Royal Palm Beach, Florida; Mark Kutney, of Wellington, Florida; Kenneth Knight, of Edna, Texas; Alan Grindstaff, of Maize, Kansas; Hector Rivera, Sr., of Palm City, Florida; Scott Randall, of Albuquerque, New Mexico. Hector Rivera, Sr. later withdrew from consideration for the Town Manager position.

She explained that staff has contacted each applicant and had requested that they submit an employment application form by Friday, January 23, 2015. The employment application forms will be forwarded to Kurt Bressner of the Florida City/County Managers Association (FCCMA). Mr. Bressner, at a public meeting, will identify 10-12 semi-final candidates for the Commission to consider. The Commission would then have the opportunity to identify 5-7 finalist to interview.

Commissioner O'Rourke asked when would the Commission receive all the applications. Human Resources Director Turner explained that the applications would be provided to the Commission, as part of their February 4, 2015 agenda packet, on Wednesday, January 28, 2015.

3. Palm Beach County Sheriff's (PBSO) Citizens on Patrol (COP) Quarterly Report.

Mayor DuBois welcomed PBSO Captain Jeff Lindskoog. Captain Lindskoog explained that the COP program was now called the Northend Rovers. He stated that the Northend Rovers covers from the Town of Mangonia Park north to the Palm Beach County borderline and west to the Beeline Highway. Vice-Mayor Glas-Castro asked how much time do the Northend Rovers spend in the Town of Lake Park. Captain Lindskoog explained that he does not have that information, but if the Commission wishes to receive this information, he would obtain it for them. PBSO Lieutenant Vassalotti suggested including the Northend Rovers total hours spent patrolling Lake Park in his monthly report that is sent to the town manager.

PUBLIC COMMENT:

None

CONSENT AGENDA:

- 4. Regular Commission meeting minutes of January 7, 2015**
- 5. Authorizing the Mayor to sign the parking meter maintenance contract with Duncan Products**

Motion: Commissioner O'Rourke moved to approve the consent agenda; Vice-Mayor Glas-Castro seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

PUBLIC HEARINGS - ORDINANCES ON FIRST READING:

None

PUBLIC HEARINGS - ORDINANCE ON SECOND READING:

None

NEW BUSINESS:

6. Selection of an Interim Town Manager

Town Manager Sugerman explained that following the application deadline of January 6, 2015 for the position of Interim Town Manager, staff requested that the following applicants submit full employment application forms: Louie Chapman, Jr. of Delray Beach, and Hector A. Rivera, Sr. of Palm City. Copies of the received application materials were provided to the Commission as part of this agenda item. The Commission discussed the two applicants and came to consensus to decline both applicants. The Commission offered Finance Director Blake Rane the position of interim to the Interim Town Manager. Finance Director Rane respectfully decline due to the Town's Annual Audit that would begin in the next few weeks. He thanked the Commission for the offer. The Commission offered Public Works Director Dave Hunt the position of interim to the Interim Town Manager. Public Works Director Hunt respectfully declined due to several capital improvement projects that he would be managing over the next few months. He thanked the Commission for the offer.

Human Resources Director Turner reminded the Commission that at the last Commission meeting staff had received several suggestions from Kurt Bressener. One of the suggestions was that the applicants that had applied for the Town Manager position be contacted to see if any of them were interested in serving as Interim Town Manager. The Commission discussed the options of having the Mayor or a Commissioner serve as the Interim Town Manager. After a review of the Town Charter, the Commission came to consensus to offer a staff member the position of interim to the Interim Town Manager. The Commission offered Human Resources Director Turner the position of interim to the Interim Town Manager. Human Resources Director Turner happily accepted the offer of interim to the Interim Town Manager.

Motion: Commissioner O'Rourke moved to appoint Human Resources Director Bambi Turner as the interim to the Interim Town Manager; Commissioner Rapoza seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty		X	
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 4-1.

7. Commissioner Discussion on the Concept of a Volunteer Recognition Event.

Town Manager Sugerman explained that during the August 20, 2014 budget workshop meeting the Commission discussed holding a volunteer recognition event during calendar year 2015. He explained that this agenda item is for discussion purposes only. He stated that if the Commission's discussion does result in a decision on how the volunteer recognition event should be structured then a formal action with a motion, second, and a vote should approve the details of the event so that staff knows what is expected for holding the event.

The Commission came to consensus to direct staff to contact the Artist of Palm Beach County regarding holding the event at the Art on Park Gallery sometime in the month of April from 6:30 p.m. until 9:00 p.m. The Commission came to consensus to extend an invitation to the leadership of the following organizations: A.E.M. for the Heart; Artist of Palm Beach County; Bridges at Lake Park; Club 100 Charities; First United Bank; Friends of the Library; Kiwanis of Lake Park; Lake Park Citizens on Patrol (COP); Lake Park Community Watch; Lake Park Historical Society; Lake Park VFW Donald Ross Post 9610; and Seeds of Hope Community Garden.

The Commission requested that this item be brought back at a future agenda with some specific information regarding the event.

8. Awarding a Contract for Marina Security Services (Unarmed).

Town Manager Sugerman explained the item (see Exhibit "A"). Commissioner Rapoza expressed concern with what was not included in the bid specifications and the scope of work that was requested from the bidders. She suggested that things like daily detailed activity reports, and incident reports be included in the bid specifications (see Exhibit "B"). The Commission discussed what had been included in the bid packet. Town Manager Sugerman explained that if the Commission's desire is to request a higher level of security, which would include daily detail activity report then the security services bid would need to be written to include daily written activity report and the bid would have to go back out on the street.

Motion: Commissioner Flaherty moved to award a contract for Marina Security Services; Commissioner O'Rourke seconded the motion.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty		X	
Commissioner O'Rourke		X	
Commissioner Rapoza		X	
Vice-Mayor Glas-Castro		X	
Mayor DuBois		X	

Motion failed 0-5.

9. Resolution No. 03-01-15 A Request from Commercial Investments, LLC to Modify Condition #4 of Exhibit "A" of Resolution 41-10-13 Related to Temporary Uses of their Property, Which Includes the Temporary Storage of Vehicles and an Office Trailer.

Town Manager Sugerman explained the item (see Exhibit "C"). Vice-Mayor Glas-Castro stated that in the Resolution it states that "The owner shall have 30 days from the issuance of the Certificate of Occupancy for phase 1..."; she asked what was phase 1. Town Attorney Baird explained that a site plan had not been approved yet therefore we do not know what was phase 1. Anne Booth with Urban Design Kilda Studios representing Earl Stewart Toyota explained that the application that was currently in the process has three phases. She explained that phase one consisted of modification of the existing building, which would allow for construction of the used car facility within the existing building. She explained that it would allow everyone in the main building to be relocated to the trailer while the main building was under construction and the lot was being improved. She stated that they are scheduled to go before the Planning and Zoning Board in February. She explained the preliminary schedule to bring the projects to completion. She stated that an entire team has been hired to assure that the projects are completed.

Vice-Mayor Glas-Castro asked why the extension was needed. Ms. Booth stated that the delay has been caused by economic problem, but they now have their financing in place. Commissioner O'Rourke expressed concern with the \$30,000 that remains in escrow while the project was moving through the process, since they would not be completed by the deadline date of January 31, 2015. Ms. Booth explained that the \$30,000 would remain in the escrow account until they are able to satisfy the conditions. She stated that if they were not able to satisfy the conditions then the Town would keep the \$30,000. She explained that if they are not able to continue with their used car operation, then Earl Stewart Toyota has serious concerns about their ability to proceed with the expansion.

Commissioner Rapoza asked how many employees the expansion would generate. Mr. Stu Stewart, General Manager for Earl Stewart Toyota explained that the expansion would generate approximately 30-40 employees.

The Commission discussed with the representatives of Earl Stewart Toyota their comments and concerns with the amount of extensions that have been requested since the original agreement was made, granting an extension based on a site plan approval that has not gone through the process yet, and when would the advertisements that the establishment is located in North Palm Beach would end.

Motion: Commissioner O'Rourke moved to approve Resolution 03-01-15; Commissioner Rapoza seconded the motion.

Commissioner O'Rourke expressed concern with approving another extension to the original agreement and suggested that Earl Stewart Toyota agree that the Town keep the \$30,000. Mayor DuBois stated that he would prefer the project continue to move forward and that the funds remain in escrow. Commissioner Rapoza and Commissioner Flaherty agreed with Mayor DuBois. Vice-Mayor Glas-Castro stated that she was uncomfortable with granting a two-year extension and would not support the extension to the agreement.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke		X	
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro		X	
Mayor DuBois	X		

Motion passed 3-2.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Baird had no comments.

Town Manager Sugerman had no comments.

Commissioner Rapoza announced that the Sunset Celebration would be held on Friday, January 30 at Lake Shore Park and Pirate's Fest would be held on Saturday, January 31 at Lake Shore Park. She stated that vehicles are damaging the swales on Lake Shore Drive by driving or parking on them. She suggested that vehicles caught damaging the swales on Lake Shore Drive be fined. She wished Town Manager Sugerman good luck on his retirement.

Commissioner Flaherty announced that the Friends of the Library would be holding a book sale on Saturday, January 24, 2015 in the front lawn of the Lake Park Library.

Commissioner O'Rourke thanked Town Manager Sugerman for his services to the Town.

Vice-Mayor Glas-Castro stated that she received a call regarding loud noise at a party and that PBSO could not enforce the Town's noise Ordinance. She stated that her understanding of the Town's Ordinance was that it could be enforced if it were in the residential areas of the Town and not during a special event. She stated that while speaking with Sergeant Johnson regarding the issue of loud noise he had several suggestion that would be helpful to the Town. She explained that she and Mayor DuBois had attended the Northlake Boulevard Task Force meeting on Tuesday, January 20, 2015 in North Palm Beach. She explained that a property owner in North Palm Beach was requesting changes to the signage requirements. The Task Force provide some feedback to the property owner. She explained that North Palm Beach would be changing some

landscaping in the medians on Northlake Boulevard between the railroad tracks and US 1.


Mayor DuBois announced each of the governmental and community meetings he attended since the last Commission meeting. He explained that he attend the Palm Beach County League of Cities Ethics Training. He thanked Town Manager Sugerman for his services to the Town.

ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Commissioner Flaherty and seconded by Commissioner Rapoza, and by unanimous vote, the meeting adjourned at 9:05 p.m.



Mayor James DuBois



Town Clerk, Vivian Mendez, CMC



Approved on this 17 of February, 2015



Exhibit "A"

Town of Lake Park Town Commission
Agenda Request Form

Meeting Date: January 21, 2015

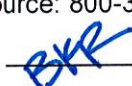
Agenda Item No. 8

Agenda Title: Awarding a Contract for Marina Security Services (Unarmed).

- | | | | |
|-------------------------------------|-----------------------------------|--------------------------|----------------|
| <input type="checkbox"/> | SPECIAL PRESENTATION/REPORTS | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/> | BOARD APPOINTMENT | <input type="checkbox"/> | OLD BUSINESS |
| <input type="checkbox"/> | PUBLIC HEARING ORDINANCE ON _____ | | READING |
| <input checked="" type="checkbox"/> | NEW BUSINESS | | |
| <input type="checkbox"/> | OTHER: _____ | | |

Approved by Town Manager  **Date:** 1/7/15

Dale S. Sugerman, Ph.D./Town Manager
Name/Title

Originating Department: Mayor Dubois	Costs: \$42,000.00 Funding Source: 800-34000 <input checked="" type="checkbox"/> Finance <u></u>	Attachments: Bid Tabulation Bid Proposal
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>DSS</u> or Not applicable in this case Please initial one.

Summary Explanation/Background:

The current contract for Marina security services expired on September 30, 2014. The Commission approved a 4 month extension to U.S. Security Associates, Inc., the current provider of services while we went out securing bids from the marketplace. On November 30, 2014 we invited bidders, via Bid #107-2014 to quote on the provision of security services for the Marina. Bids were opened on December 30, 2014 with five (5) respondents submitting bids. Of the five respondents, two were deemed to be non-responsive. In both cases, the two non-responsive bidders did not provide evidence of 3 years of financial statements. The three remaining respondents all met the minimum requirements of the bid. A copy of the bid tabulation is attached.

The results of the three responsible, responsive bidders were as follows:

Name	Hourly Rate	Overtime Rate	Event Rate	Event O.T. Rate
United Special Patrol, Inc.	\$14.00	\$21.00	\$14.00	\$21.00
Regions Security Services, Inc.	\$14.99	\$22.49	\$14.99	\$22.49
Excelsior Defense, Inc.	\$15.42	\$23.13	\$15.42	\$23.13

A complete copy of the bid of United Special Patrol, Inc. is included with this agenda item. If the Commission desires to review the other four bid packets (two being non-responsive and two being fully responsible and responsive; but at a higher price), copies of those documents are on file in the Town Clerk's office.

The non-responsive, non-responsive bidders were:

Credible Security Services and Advanced National Security.

The contract, once awarded, will be for one year, with two one-year renewals. The successful contractor will provide one (1) on-site, uniformed securing guard from 10:00 pm until 6:00 am Monday through Sunday during the summer months of April through October, and from 8:00 pm until 6:00 am during the winter months of November through March.

Recommended Motion: I move to award the Marina Security Services Contract (unarmed) to United Special Patrol, Inc.

MARINA SECURITY SERVICES CONTRACT (Unarmed)

Bid # 107-2014

December 30, 2014 10:00 a.m.

Name of Bidder	Bidder's Certification	3 Copies	Completed Bid Form	Ref.	Drug Free Workplace	Anti-Kickback Affidavit	Non-Collusion Affidavit	Non-Bankruptcy Affidavit	Non Segregated Facilities	Exp.	Lit.	Financial Statements	Licenses	Price
Credible Security Services	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	No	No	✓	\$12.85 /hr \$19.275 OT/half \$12.85 Events \$19.275 OT/half
Advanced National Security	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	No	✓	\$12.75 /hr \$19.12 /OT \$12.75 Events \$19.12 OT
United Special Patrol, Inc.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$14.00 /hr \$21.00 OT \$14.00 Events \$21.00 OT
Excelsior Defense, Inc.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$15.42 /hr \$23.13 OT \$15.42 Events \$23.13 OT
Regions Security Services, Inc.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	\$14.99 /hr \$22.49 OT \$14.99 Events \$22.49 OT

Exhibit "B"

Gerald C. Rapoza

801 Lake Shore Drive #114 Lake Park, FL 33403 Home: 561-840-3481 Cell: 774-930- 5557
jrcopster@yahoo.com

1/21/15

TO: Kathleen Rapoza
Commissioner, Lake Park, FL

FROM: Gerald Rapoza
Certified Security Consultant
Certified Crime Prevention
Certified Burglary Reduction

I recently reviewed the security proposal for the Lake Park Marina and I found that United K-9 Security Services submitted a very informative presentation, of their company's experiences and references.

Their presentation did not indicate a few important items. Do they require their security officers to submit Daily, Activity Reports [DAR's]? If so, do they submit these reports to senior town staff?

What are the patrol hours and how many days will they patrol?

CCTV Technology Systems: Do they provide the system and if yes, what is the cost to the town?

GPS Tracking, as indicated: Will the Marina or senior staff receive copies?

Supervisor Training: Do they provide a supervisor for patrols, when, where and how?

For your information:

I provided a detailed report stating the difference between Security Guards and Drive-Through Patrols, regarding, what the town wants to accomplish hiring a Security Service. It is important, that the information herein be considered before any contract is awarded for the Marina or any town property.

I hope this information will help the commission decide and request the proper information from the bidding security companies. Should you require additional suggestions, feel free to contact me.

Best regards,



Gerald C. Rapoza

SECURITY GUARDS DRIVE THROUGH PATROL

What do you want to accomplish with the security patrol service contract, drive-through or on-site patrols?

PURPOSE:

Drive-through security patrols serve a limited, but useful purpose. By definition, the drive-through does not remain on-site and generally uses vehicles to make rounds. This type of patrol is less expensive than a dedicated on-site security guard, because of the limited time spent on the property. Highly visible drive-through security services are ideal for the patrol of commercial properties, after business hours, on private property, after business hours or on private property, not open to the public.

One purpose of this type of patrol is to observe [or test] all accessible gates, doors and windows, making sure they are secured, as well as to report the conditions found on the property to the business owner or police. Another purpose is to make sure no unauthorized persons are trespassing on private property. Drive-through guard forces should respond to alarm signals. The primary goal of a drive-through security patrol service is to deter property loss and discover vandalism, after business hours. This presence is normally supported by signage, which states, that the property will be patrolled by a Security Service.

Any contracted security service must have clearly defined and articulated post orders. Post orders are written instructions stating how the security officer is to patrol and should be incorporated, as part of the contract. These written instructions need to be detailed and reflect the expectations of the property manager, and the responsibility of the security patrol service. Written post orders allow for consistency in patrol and reporting set forth in the obligations for fulfilling the service contract. Post instructions should specify, if drive-through security officers are allowed to get out of their vehicle to shake doors or walk behind buildings. If the town does not require it... it won't occur. Well written post orders act like a check list for the security officer, while on site and helps them, fill out their daily reports and logs.

REPORTING:

It is the custom and practice of all contracted security patrol services, in the industry to complete daily activity reports [DAR's] and incident reports, for each site they patrol. Despite the practice, it is important to require one of these items, be specified in the post orders. As a general rule of thumb, if one does not receive a written report, it must be assumed that the patrol did not occur and payment for the service is held, until one is received. This practice will ensure the reports are written and submitted, in a timely manner.

Detailed daily activity and incident reports are crucial to a property owner. It is a form of supervision and holds the security service accountable.

CASE IN POINT: In addition, to communicating what was observed, in parking lots, the reports provide important documentation in case of liability lawsuit, alleging inadequate security. These reports are designed to report routine issues, like when and where the security officer was on the property and what they observed. DAR's should be detailed and informative and each entry should list the date, time, location and activity. One must not accept activity logs that merely state, "10:00PM or 11:00PM – All quiet." Proper verbiage in a daily activity report should state "1/20/14 – 11:00PM, completed patrol of the south parking lots, one light burnt out over space #223, checked all doors of Marina buildings and ensured they were locked and secured."

Incident reports are only written, when something unusual happens, and may require more detailed accountability. Incident reports are not limited to actual crime. Incident reports should notify the client of unlocked doors, large groups loitering, flooded parking lots, safety hazards and of course all crimes or property damage. These reports should be more detailed than DAR's, because they chronicle one specific event. Incident reports that say, "see police report" are not acceptable. Incident reports should note, everything that the security officer observed, what happened and what individuals were doing on the scene and the time of the incident.

SUPERVISION:

One inherent flaw in contracting a security patrol service is supervision. Unless someone is checking the patrols, it may be assumed that the patrols may not have occurred and that the service is insufficient. When a contract is presented and proposed, it is critical to detail the quality and timing of patrols, reporting and the follow up procedure necessary to avoid inadequate service.

Worst yet, is any officer falsifying any report, indicating that they did indeed patrolled, when they did not. To avoid these issues, security patrol officers need to know, that they are being supervised in some manner.

Methods are to incorporate a mechanical or electric check in their device. Common systems include strategically placed watchman clocks, punching in on a time clock, etc.

Regarding Security Shift Patrols:

According to the contract, security patrols will be performed, daily from 10:00PM to 6:00AM, Monday – Sunday, which equals 8 hours of security patrol, or a patrol every 4 hours. What are they doing for the other 4 hours? The same for the winter months, 5 patrols, which will also leave leftover hours.

During patrols, do they have access to Marina buildings; are they checking doors, windows, making notations of any hazardous conditions? Are they logging anyone who enters the property, after normal hours?

These are the things that should be recorded on daily activity reports [DAR's], submitted to the Marina Director, weekly, for review, along with along with incident reports, if any. In addition, monthly reports should be submitted and include all weekly reports.

The general duties of the security patrols, must be detailed in the contract, as to: how, what, when and where, they perform their patrols. It should also indicate the total mileage patrolled, per shift.

Until the above questions are answered, satisfactorily, the contract, should not be approved. The contract is vague and needs to be addressed.



Town of Lake Park Town Commission

Exhibit "C"

Agenda Request Form

Meeting Date: January 21, 2015

Agenda Item No. 9

Agenda Title: A REQUEST FROM COMMERCIAL INVESTMENTS, LLC TO MODIFY CONDITION #4 OF EXHIBIT "A" OF RESOLUTION 41-10-13 RELATED TO THE TEMPORARY USES OF THEIR PROPERTY WHICH INCLUDES THE TEMPORARY STORAGE OF VEHICLES AND AN OFFICE TRAILER.

- ☐ SPECIAL PRESENTATION/REPORTS ☐ CONSENT AGENDA
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON ___ READING
☒ **NEW BUSINESS – RESOLUTION**
☐ OTHER

Approved by Town Manager

Date:

1/5/15

Nadia Di Tommaso / Community Development Director

Name/Title

Originating Department: Community Development	Costs: \$ 250 Funding Source: Applicant Acct. # 001-342.510 <input checked="" type="checkbox"/> Finance	Attachments: → Resolution 03-01-15, revised Exhibit "A" → Copy of Resolution 41-10-2013, including Exhibit "A"
Advertised: Date: N/A Paper: <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>ND</u> OR Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

Earl Stewart Toyota (aka Commercial Investments LLC) is requesting an additional year extension for keeping their temporary vehicular storage use and office trailer in place.

Earl Stewart Toyota acquired the property upon which the Journey's Inn and the El Colonial restaurant were located in August 2004. Over the years, the abandoned Journey's Inn and El Colonial restaurant became a huge eyesore to the community. In May 2010, Commercial Investments LLC, doing business as Earl Stewart Toyota (the Applicant) requested permission from the Town Commission to demolish the Journey's Inn and El Colonial restaurant buildings on the property to use it for the temporary storage of vehicles. Pursuant to Resolution 20-05-10, the Town Commission approved a permit which authorized the Applicant to demolish the Journey's Inn and the El Colonial restaurant buildings thereby granting the

Applicant a temporary use of the property for temporary vehicular storage until the Applicant began construction of its new buildings and facilities consistent with a site plan that was to be approved by the Town Commission. Resolution 20-05-10 also provided that following demolition, the Applicant was required to fill the subject property with crushed asphalt and was required to grade it. Resolution 20-05-10 contained a condition that required the subject property to be fully landscaped in accordance with the approved site plan if the timeline for the site plan approval and construction of the expanded dealership was not met. This timeline was set for a two-year period ending April 30, 2012, at which time the Applicant would have had to either apply for a new temporary permit or would have to be in the process of moving forward with the expansion of the dealership. In addition, the temporary permit was approved with the condition that the lot would have a minimum of 18 trees around the perimeter and that construction of the new facility would commence by May 5, 2012, or the subject site would be required to be fully landscaped per the Town of Lake Park landscaping regulations. The Applicant satisfied the landscaping provision and installed 18 trees around the perimeter of the subject property.

The Applicant addressed the Commission once again at the October 19, 2011 Town Commission meeting and requested that the Town Commission grant it temporary approval for an office trailer. The Commission directed staff to bring forward an amendment to Resolution 20-05-10 which would allow for the temporary office trailer pursuant to certain conditions. The temporary office trailer was approved unanimously at the November 2, 2011 Town Commission meeting under Resolution 40-11-11. The office trailer is currently installed on the property and had an initial expiration date of April 30, 2012.

Earl Stewart Toyota addressed the Town Commission once again in June 2012 requesting their first extension of the permit for the use of the lot as a vehicular storage lot and the temporary office trailer for used car sales to October 1, 2013, with the development plans for the site being submitted by December 31, 2012, instead of the previous set date of April 30, 2012. Additionally, rather than to fully landscape the site pursuant to the previous condition on Resolution 20-05-10, Earl Stewart Toyota proposed to landscape the perimeter with additional shade trees and a Cocoplum hedge along certain perimeter landscape buffers namely, North Federal Highway, Lakeshore Drive, and half of East Ilex Drive. The first extension, along with the landscaping request, was approved by Resolution 09-06-12.

The Applicant later addressed the Town Commission on October 16, 2013 requesting a second extension for the vehicular storage lot and office trailer in order to allow for sufficient time to move through the site plan approval process. The Town Commission approved the second extension with a required \$30,000 cash surety and certain other conditions. These conditions are included in Resolution 41-10-13 and in Exhibit "A" of Resolution 41-10-13 and include, in part:



2. *Within seven calendar days following the effective date of Resolution 41-10-2013 (the Resolution), a copy of which is attached hereto and incorporated herein, the Owner shall deliver a cashier's check to the Town in the amount of Thirty Thousand and no/100 Dollars (\$30,000.00) to secure the timely performance of all obligations as set forth in Resolution (the "Funds"). The Town shall deposit the Funds into the Town's regular general revenue account at PNC Bank (f/k/a) National City Bank, in Lake Park, Florida. The Town shall separately account for the Funds, which shall be segregated in the Town account.*

Site Plan application was submitted and deemed complete by March 31 therefore, they have until January 30, 2015.

4. *In addition, the Owner shall have 30 days from either December 31, 2014 if a complete site plan application is submitted by March 31, 2014 or 30 days from March 31, 2014 if the site plan application is not submitted or deemed incomplete by the Community Development Department, to remove the sales trailer and the vehicles parked on the Property and sod throughout.*

Ultimately, the current expiration date of the temporary vehicular storage lot and office trailer is set to end on Friday, January 30, 2015 (30 days from December 31, 2014). The Applicant resubmitted revised plans in late October 2014 and staff issued a second round of comments in mid-December 2014. Since then, staff has met with the Applicant's team to review the comments and is confident that the project, along with a separate right-of-way abandonment application, will be moving through the public hearing process within the next few months. However, as it currently stands, if the applicant does not remove the vehicles and office trailer by January 31, the property will be in violation and the Town will be entitled to keep the \$30,000.

The Applicant is requesting a third extension and that condition #4 above be removed from Exhibit "A" of Resolution 41-10-13 and replaced with the following:

4. **The Owner shall have 30 days from the issuance of the Certificate of Occupancy for Phase 1, or no later than January 31, 2016, to remove the sales trailer from the Property. The Property will be improved in accordance with the site plan approved by the Town Commission.**

The Applicant states that: *"The intended plan and schedule for construction is to secure site plan approval and permits to allow construction to begin by Mid May or early June, 2015. The new used car operation space will be included in the first phase of construction. They will need to maintain the used car operation in the trailer until they can occupy the new space being constructed. The contractor will discuss with the Building Official the most appropriate permitting process to allow the Certificate of Occupancy to be issued for that area of the building while the remaining portions of the building are under construction. As soon as the trailer is removed, the parking lot and landscape areas will be constructed in accordance with the approved site plan. They anticipate it will take at least 7 months to complete the construction of the new Used Car portion of the building which will take us to November or December (2015). The 30 days to remove the trailer will allow the used car operation to move and allow for the removal of the trailer."*

A proposed revised Resolution and Exhibit "A" granting a third extension to allow the site plan application and right-of-way abandonment application to run its course and consequently, not immediately taking the \$30,000 cash surety, is attached.



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Regular Commission Meeting
Wednesday, January 21, 2015, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
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Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

1. A Proclamation in Appreciation of Joan Knapp, Friends of the Lake
Park Library

Tab 1

2. Update on the Town Manager Selection Process

Tab 2

3. Palm Beach County Sheriff's (PBSO) Citizens on Patrol (COP) Quarterly Report

Tab 3

D. PUBLIC COMMENT:

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of

these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

4. Regular Commission Meeting Minutes of January 7, 2015 Tab 4
5. Authorizing the Mayor to Sign the Parking Meter Maintenance Contract with Duncan Products Tab 5
- F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:
None
- G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:
None
- H. NEW BUSINESS:
 6. Selection of an Interim Town Manager Tab 6
 7. Commission Discussion on the Concept of a Volunteer Recognition Event Tab 7
 8. Awarding a Contract for Marina Security Services (Unarmed) Tab 8
 9. Resolution No. 03-01-15 A Request from Commercial Investments, LLC to Modify Condition #4 of Exhibit “A” of Resolution 41-10-13 Related to the Temporary Uses of their Property Which Includes the Temporary Storage of Vehicles and an Office Trailer Tab 9
- I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:
- J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, February 4, 2015